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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,765	08/03/2001	Takashi Saso	211932US3PCT	8274

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

TO, TOAN C

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/890,765

Applicant(s)

SASO ET AL.

Examiner

Toan C To

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Species 7 (figures 17-20), claims 7-11 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the a search and examination of the entire application would not place a serious burden on the examiner. This is not found persuasive because the following reasons: first, applicant merely concludes that no serious burden on the examiner, but applicant has provided no evidence as to why as serious burden on the examiner does not exist. Second, it is the examiner's position that different subclass would be searched if the cushion member 22, enhancer 29 and their function and arrangement were in the claims.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-6 and 12-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations "eccentric squibs have a plurality of firing holes" in claim 9 and 11 render the claims indefinite, since it appears that firing lid 38, 48, 58 having a plurality of firing holes 38a, 48a, 58a, but not the squibs 8, 9 having a plurality of firing holes as recited in the claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by European Publication (EP-0787630).

Regarding claim 7, EP-0787630 discloses a gas generator with the following: a cylindrical housing (14-16), wherein a gas generating agent (42) for generating a high temperature gas when it burns is loaded in a combustion chamber (32, 34) in the housing (14-16), two squibs (36) for firing and burning the gas generating agent (42) are loaded in the housing (14-16), wherein the squibs (36) are disposed eccentrically to an axis of the housing (14-16), and flames of the eccentric squibs (36) are controlled to spout around the axis of the housing (14-16).

Regarding claim 8, EP-0787630 discloses a gas generator with the following: a short cylindrical housing (14-16), wherein an airtight space in the housing (14-16) is partitioned into a plurality of combustion chambers (26, 32, 34), a gas generating agent

(42) for generating a high temperature gas when it burns is loaded in each of the combustion chambers (32, 34); a plurality of squibs (36) for individually firing and burning the gas generating agents (42) in the respective combustion chambers (32, 34) are mounted in the housing (14-16), wherein the squibs (36) are disposed eccentrically to an axis of the housing (14-16), and flames of the eccentric squibs (36) are controlled to spout around the axis of the housing (14-16); wherein the squibs is covered with firing lids ( ) formed with a plurality of firing holes ( )

7. Claims 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mossi et al (U.S. 6,032,979).

Mossi et al discloses a gas generator with the following: a short cylindrical housing (12), wherein an airtight space in the housing (12) is partitioned into a plurality of combustion chambers (34, 74, 102), a gas generating agent (36, 86, 60) for generating a high temperature gas when it burns is loaded in each of the combustion chambers (34, 74, 102); a plurality of squibs (62, 90) for individually firing and burning the gas generating agents (60, 86) in the respective combustion chambers (74, 102) are mounted in the housing (12), wherein the squibs (62, 90) are disposed eccentrically to an axis of the housing (126), and flames of the eccentric squibs (62, 90) are controlled to spout around the axis of the housing (12); wherein the squibs (62, 90) are covered with firing lids (56, 96) formed with a plurality of firing holes (76, 104).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes the following: Katsuda et al (U.S. 6,234,521),

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Nakashima et al (U.S. 6,491,321), Hock et al (U.S. 5,613,705), and Perotto (U.S. 6,095,560) disclose the claimed limitations as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan To whose telephone number is (703) 306-5951.


The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571.

Any inquiry of a general nature or relating to the status of this application or this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

To, T

February 20, 2003

 2/20/03  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600